

## Part 2

### Political Subdivisions Ethics Review Commission

#### **11-49-201 Commission established -- Membership.**

- (1) There is established a Political Subdivisions Ethics Review Commission.
- (2) The commission is composed of seven persons, each of whom is registered to vote in this state and appointed by the governor with the advice and consent of the Senate, as follows:
  - (a) one member who has served, but no longer serves, as a judge of a court of record in this state;
  - (b) one member who has served as a mayor or municipal council member no more recently than four years before the date of appointment;
  - (c) one member who has served as a member of a local board of education no more recently than four years before the date of appointment;
  - (d) two members who are lay persons; and
  - (e) two members, each of whom is one of the following:
    - (i) a municipal mayor no more recently than four years before the date of appointment;
    - (ii) a municipal council member no more recently than four years before the date of appointment;
    - (iii) a county mayor no more recently than four years before the date of appointment;
    - (iv) a county commissioner no more recently than four years before the date of appointment;
    - (v) a special service district administrative control board member no more recently than four years before the date of appointment;
    - (vi) a local district board of trustees member no more recently than four years before the date of appointment; or
    - (vii) a judge who has served, but no longer serves, as a judge of a court of record in this state.
- (3) A member of the commission may not, during the member's term of office on the commission, act or serve as:
  - (a) a political subdivision officer;
  - (b) a political subdivision employee;
  - (c) an agency head as defined in Section 67-16-3;
  - (d) a lobbyist as defined in Section 36-11-102; or
  - (e) a principal as defined in Section 36-11-102.
- (4)
  - (a)
    - (i) Except as provided in Subsection (4)(a)(ii), each member of the commission shall serve a four-year term.
    - (ii) When appointing the initial members upon formation of the commission, a member described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that approximately half of the commission is appointed every two years.
  - (b)
    - (i) When a vacancy occurs in the commission's membership for any reason, a replacement member shall be appointed for the unexpired term of the vacating member using the procedures and requirements of Subsection (2).
    - (ii) For the purposes of this section, an appointment for an unexpired term of a vacating member is not considered a full term.
  - (c) A member may not be appointed to serve for more than two full terms, whether those terms are two or four years.

- (d) A member of the commission may resign from the commission by giving one month's written notice of the resignation to the governor.
- (e) The governor shall remove a member from the commission if the member:
  - (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;
  - (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral turpitude; or
  - (iii) fails to meet the qualifications of office as provided in this section.
- (f) If a commission member is accused of wrongdoing in a complaint, or if a commission member determines that the commission member has a conflict of interest in relation to a complaint, a temporary commission member shall be appointed to serve in that member's place for the purposes of reviewing that complaint using the procedures and requirements of Subsection (2).
- (5)
  - (a) Except as provided in Subsection (5)(b)(i), a member of the commission may not receive compensation or benefits for the member's service.
  - (b)
    - (i) A member may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
    - (ii) A member may decline to receive per diem and expenses for the member's service.
- (6)
  - (a) The commission members shall convene a meeting annually each January and elect, by a majority vote, a commission chair from among the commission members.
  - (b) A person may not serve as chair for more than two consecutive years.

Enacted by Chapter 202, 2012 General Session

**11-49-202 Meetings -- Staff.**

- (1) The commission shall meet for the purpose of reviewing an ethics complaint when:
  - (a) except otherwise expressly provided in this chapter, called to meet at the discretion of the chair; or
  - (b) a majority of members agree to meet.
- (2) A majority of the commission is a quorum.
- (3)
  - (a) The commission shall prepare, on an annual basis, a summary data report that contains:
    - (i) a general description of the activities of the commission during the past year;
    - (ii) the number of ethics complaints filed with the commission;
    - (iii) the number of ethics complaints dismissed in accordance with Section 11-49-602;
    - (iv) the number of ethics complaints reviewed by the commission in accordance with Section 11-49-701;
    - (v) an executive summary of each complaint review in accordance with Section 11-49-701; and
    - (vi) an accounting of the commission's budget and expenditures.
  - (b) The summary data report shall be submitted to the Political Subdivisions Interim Committee on an annual basis.
  - (c) The summary data report shall be a public record.
- (4)
  - (a) The Senate and the House of Representatives shall employ staff for the commission at a level that is reasonable to assist the commission in performing its duties as established in this chapter.

- (b) The Legislative Management Committee shall:
  - (i) authorize each staff position for the commission; and
  - (ii) approve the employment of each staff member for the commission.
- (c) Staff for the commission shall work only for the commission and may not perform services for the Senate, House of Representatives, other legislative offices, or a political subdivision.
- (5) A meeting held by the commission is subject to Title 52, Chapter 4, Open and Public Meetings Act, unless otherwise provided.

Amended by Chapter 278, 2013 General Session